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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. MUZAFFAR HUSSAIN, Defendant.	Case No. CR-13-408-JST **MR. HUSSAIN'S SENTENCING MEMORANDUM** Date: March 10, 2017 Time: 9:30 a.m. Ctrm: 3

Mr. Hussain agrees with the Presentence Investigation Report, its guideline calculations, and its recommendations, except as follows:

1. Pursuant to the Fed. R. Crim. P. 11 (c)(1)(C) Plea Agreement, paragraph 8, the fine should be $1,000, not $4,000.

2. Pursuant to the Fed. R. Crim. P. 11 (c)(1)(C) Plea agreement, paragraphs 10, 18, 19 and 20, the restitution should be $495,000 which should be paid with $66,000 seized by the government and the subject of Case No. CV-10-5408-JST; and the balance of $429,000 should be paid in 36 equal monthly installments during the 36 month period of Mr. Hussain's supervised

release. Mr. Hussain requests that the judgment and commitment order incorporate and set forth the agreed payment schedule.

3. Pursuant to the Fed. R. Crim. P. 11 (c)(1)(C) Plea Agreement, paragraph 19, upon sentencing, the civil forfeiture action entitled *United States of America v. $66,000 in United States Currency*, Case No. CV-10-5408-JST should be dismissed with prejudice.

4. Pursuant to the Fed. R. Crim. P. 11 (c)(1)(C) Plea Agreement, paragraph 17, Mr. Hussain, without objection, will be requesting a surrender date in June, 2017.

5. Pursuant to the Fed. R. Crim. P. 11 (c)(1)(C) Plea Agreement, paragraph 14, the open charges in the original indictment and superseding indictment will be dismissed, with prejudice, upon Mr. Hussain's being sentenced on Count 29 of the superseding indictment.

Mr. Hussain has been in Houston, and ill, during much of the time between the plea in this case on June 10, 2016 and today. He and counsel are meeting in the afternoon of March 6, 2017. At this meeting, counsel and Mr. Hussain expect to prepare and submit the financial statement requested by United States Probation during the course of the probation interview. In addition, Mr. Hussain is in the process of gathering and presenting medical records relating to several of his serious medical conditions so that, to the extent they are relevant to these proceedings, United States Probation and the Court will have them at the time of sentencing.

Respectfully submitted,

BAY AREA CRIMINAL LAWYERS, PC

Dated: March 3, 2017

By: /s/David J. Cohen
DAVID J. COHEN, ESQ.

Attorneys for Defendant **Muzaffar Hussain**